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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92049533
Party	Plaintiff Pacific Sunwear of California, Inc.
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Submission	Answer to Counterclaim
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Date	09/23/2008
Attachments	PSUN Answer to Counterclaims.pdf (4 pages)(28027 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No.3,352,727
Registered December 11, 2007

PACIFIC SUNWEAR OF)	
CALIFORNIA, INC.,)	Cancellation No.: <u>92049533</u>
)	
Petitioner and)	Mark: Kira Plastinina
Counterclaim Respondent,)	
)	
v.)	Registration No.: 3,352,727
)	
KIRA PLASTININA STYLE, LTD.,)	Filed: December 18, 2006
)	
Registrant and)	Registered: December 11, 2007
Counterclaim Petitioner.)	

PETITIONER/COUNTERCLAIM RESPONDENT'S ANSWER
TO REGISTRANT/COUNTERCLAIM PETITIONER'S COUNTERCLAIMS

For its Answer to the Counterclaims filed in the above matter by Registrant Kira Plastinina Style, Ltd. ("Registrant/Counterclaim Petitioner"), Petitioner Pacific Sunwear of California, Inc. ("Petitioner/Counterclaim Respondent") states as follows:

1. Responding to paragraph 22 of Registrant/Counterclaim Petitioner's Answer to Petition for Cancellation and Counterclaims for Cancellation of Registration Nos. 2,893,488; 2,986,176; 2,990,311; 2,998,305 (the "Answer and Counterclaims"), Petitioner/Counterclaim Respondent admits the allegations contained in this paragraph.

2. Responding to paragraph 23 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent admits the allegations contained in this paragraph.

3. Responding to paragraph 24 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent admits that Registrant/Counterclaim Petitioner seeks to cancel the referenced Registrations. Otherwise, deny.

4. Responding to paragraph 25 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent admits the allegations contained in this paragraph.

5. Responding to paragraph 26 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

6. Responding to paragraph 27 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

7. Responding to paragraph 28 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent admits the allegations contained in this paragraph to the extent Registrant/Counterclaim Petitioner mistakenly inserted cotton weave shirts instead of cotton woven shirts. Otherwise, deny.

8. Responding to paragraph 29 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

9. Responding to paragraph 30 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

10. Responding to paragraph 31 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent admits the allegations contained in this paragraph to the extent Registrant/Counterclaim Petitioner mistakenly omitted fixed waist shorts from its listing of goods covered by the referenced Registration. Otherwise, deny.

11. Responding to paragraph 32 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

12. Responding to paragraph 33 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

13. Responding to paragraph 34 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent admits the allegations contained in this paragraph.

14. Responding to paragraph 35 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

15. Responding to paragraph 36 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

16. Responding to paragraph 37 of the Answer and Counterclaims, Petitioner/Counterclaim Respondent denies all of the allegations contained in this paragraph.

17. To the extent a response is required, responding to Registrant/Counterclaim Petitioner's prayer for relief, Petitioner/Counterclaim Respondent denies that its Petition should be denied, and further denies that Registrant/Counterclaim Petitioner is entitled to the requested relief.

WHEREFORE, Petitioner/Counterclaim Respondent prays that Registrant/Counterclaim Petitioner's Counterclaims be dismissed in their entirety with prejudice, that the Trademark Trial and Appeal Board grant Petitioner/Counterclaim Respondent the relief requested in its Petition, and that the Trademark Trial and Appeal Board grant Petitioner/Counterclaim Respondent such other and further relief as it deems just and proper.

Dated: September 23, 2008.

Respectfully submitted by:

GORDON & REES LLP

/s/Matthew D. Murphey

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COUNTER-CLAIM RESPONDENT
PACIFIC SUNWEAR OF CALIFORNIA, INC.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the above document was filed electronically with the Trademark Trial and Appeal Board on this the 23rd day of September, 2008.

/s/Matthew D. Murphey
Matthew D. Murphey

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been served on counsel for the Registrant/Counterclaim Petitioner via E-mail and via certified U.S. Mail, return receipt requested, on this the 23rd day of September, 2008:

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